

Applicants respectfully traverse the restriction requirement, and provisionally elect Group I (claim 1 drawn to SEQ ID NO: 2) for further prosecution.

Applicants submit that the complete examination of the application would be handled most expeditiously by treating all of the pending claims as a single entity. As Section 803 of the MPEP directs, "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

Applicants submit that the restriction requirement is inappropriate. For example, Applicants contend that, at least, Group I and Group II should be examined simultaneously because they are related as nucleic acids and proteins encoded by nucleic acids comprising SEQ ID NO: 2. Accordingly, examination of Group I and II together would pose no undue burden to the Examiner. Furthermore, Applicants submit that restriction to a single nucleotide sequence is improper and Applicants believe no serious burden would result by the search and examination of at least ten nucleotide sequences. Applicants disagree that each nucleotide sequence in the application is necessarily a patentably distinct species, but provisionally elect the species of Group I (nucleic acids represented by SEQ ID NO: 2) for further prosecution.

Based upon the foregoing, Applicants submit that the restriction requirement is improper and therefore should be withdrawn. To facilitate prosecution, however, Applicants have provisionally elected, with traverse, Group I (claim 1 drawn to SEQ ID NO: 2).

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicants' undersigned representative at (314) 694-6343.

Respectfully submitted,



DATE: April 21, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re applications of:

Mark S. Abad et al.

Appln. No.: 09 615,606

Filed: July 13, 2000

For: Nucleic Acid Molecules and Other Molecules  
Associated with Plants

Art Unit: 1631

Examiner: Borin, Michael L.

Atty. Docket: 38-21(15444)C

Commissioner for Patents  
Washington, DC 20231

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I hereby certify that this Response to Restriction Requirement, is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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Washington, DC 20231

on *April 21, 2003*

*GRACIE Williams*

(Printed name of person signing this certificate)

*Gracie Williams*  
(Signature)